

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSE ARMANDI COLON,  
Petitioner,

**FILED :**

JUL 16 2007

CIVIL ACTION

v.

MICHAEL E. KUNZ, Clerk NO: 05-4343  
By \_\_\_\_\_ Dep. Clerk

DAVID DIGUGLIELMO, ET AL.,  
Respondent.

:  
:

**ORDER**

AND NOW, this 12<sup>th</sup> day of July, 2007, upon careful and independent consideration of the petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, after review of the Report and Recommendation of United States Magistrate Judge M. Faith Angell and there being no objections filed to the Report and Recommendation, **IT IS HEREBY ORDERED and DECREED** that:

1. The Report and Recommendation is **APPROVED and ADOPTED**.
2. The petition for a writ of habeas corpus is **DENIED and DISMISSED WITH PREJUDICE AS TIME BARRED**.
3. There is no probable cause for the issuance of a certificate of appealability.
4. The Clerk of the Court shall mark the above-captioned case as **CLOSED**.

**BY THE COURT:**

  
\_\_\_\_\_  
Honorable Petrese B. Tucker, U.S.D.J.